



requests for production are to be read, interpreted, and answered in accord with the following definitions and instructions.

### DEFINITIONS

As used herein, the following definitions apply to these interrogatories and requests for production and to your responses thereto:

(a) “You” or “your”

The individuals to whom these interrogatories and requests for production are addressed; your attorneys, agents, and employees; or any person acting on your behalf or on behalf of any of the above.

(b) “Person”

Any natural person, corporation, partnership, joint venture, firm, association, proprietorship, agency, board, authority, commission, bureau, any other business organization, any other such entity, and all state or federal governmental agencies.

(c) “Document” or “documents”

The original and all non-identical copies of any printed, typewritten, handwritten, photocopied, filmed, microfilmed, photographed, taped, recorded, or graphic matter or reproduction thereof of every kind, character, or description and any means of electronic storage of information in your actual or constructive possession, care, custody, or control including, without limitation, correspondence, memoranda, contracts, agreements, books, letters, telegrams, e-mails, brochures, reports, studies, plans, permits, engineering designs, analyses, summaries, speeches, minutes, charts, graphs, photographs, tabulations, working papers, sampling data, lab analyses, reports of data, calendar and diary entries, vouchers, invoices, manual and computer generated accounting records, pamphlets, bulletins, transcripts, exhibits, briefs, handwritten or

typewritten notes, tape recordings, microfiche, computer disks, and computer printouts, whether original or reproductions.

(d) “Communicate” or “communication”

Every manner or means of disclosure, transfer, or exchange and every disclosure, transfer, or exchange of information whether orally or by document or whether face-to-face, by telephone, facsimile, electronic mail, mail, personal delivery, or otherwise.

(e) “Relate to” and “relating to”

Discussing, mentioning, addressing, referring to, regarding, pertaining to, analyzing, comprising, underlying, identifying, reflecting, memorializing, describing, or showing the subject indicated.

(f) “Identify”

- (i) As to a person (as defined): name, last known business and residence address(es), last known telephone number, occupation, job title, and dates so employed; and, if not an individual, state the type of entity, the last known address of its principal place of business, and the names of its officers and directors. To the extent that any of the above information is not available, please state all other available means of identifying and locating such person.
- (ii) As to a document (as defined): the type of document (letter, memorandum, printed version of an electronic mail message, printed version of a facsimile, etc.), the identity of the author or originator, the date authored or originated, the identity of each person to whom the original or a copy was addressed or delivered, the identity of such person

known or reasonably believed by you to have present possession, custody, or control thereof, and a brief description of the subject matter thereof.

- (iii) As to a communication (as defined): the date of the communication, the type of communication (telephone conversation, electronic mail message, meeting, etc.), the place where the communication took place, the identity of the person who made the communication, the identity of each person who received the communication, the identity of each person present when the communication was made, and the subject matter discussed.
- (iv) As to a meeting: the date of the meeting, the place of the meeting, each person invited to attend, each person who attended, and the subject matter discussed.
- (v) As to a location: the street address, if applicable, and the GPS coordinates including latitude and longitude, and any additional identifying criteria available (i.e. map location, pole number, etc.)
- (vi) As to any other instance or discovery request: a detailed, thorough, complete and accurate description.

(g) “Or”

Shall be construed either conjunctively or disjunctively to bring within the scope of these interrogatories and requests for production any information that might otherwise be construed to be outside their scope.

(h) “Cable Plant” shall mean any coax or fiber cable, messenger, guy wire, anchor, bracket, bolt, apparatus, power supply, electronic device, or any other equipment or wire

associated with attachment of the foregoing to any pole, structure or property owned or controlled by EAI.

(i) “NESC” shall mean the 2002 edition of the National Electrical Safety Code unless an earlier or other specific version is expressly referenced.

(j) “Pole Attachment Agreement” shall mean the written agreement between EAI and the complainant governing the attachment of complainant’s Cable Plant.

(k) The singular includes the plural number and vice versa. The masculine includes the feminine and neuter genders. The past tense includes the present tense where the clear meaning is not distorted by change of tense.

#### INSTRUCTIONS

The following instructions apply to these interrogatories and requests for production and your responses thereto:

(a) Upon producing any document requested herein, you are instructed to indicate to which of the following numbered interrogatories or requests for production the document is being produced in response. In response to each interrogatory or request for production, you should also reference all Bates stamp numbers that have been affixed to the documents.

(b) Whenever a document (as defined) or group of documents is taken out of a file folder, file drawer, file box, or notebook, before the same is produced, attach thereto a copy of the label on the file folder, file box, or notebook from which the document or group of documents was removed.

(c) If any document requested has been lost or destroyed since its creation, identify said document, describe when, where, how, and by whom said document was lost or destroyed, and state the name of the person(s) who last had custody thereof.

(d) With respect to any documents withheld by you or your counsel on the belief that the documents or some portion thereof may be privileged, you or your counsel shall produce so much of each such document as does not contain any alleged privileged information and furnish a written statement setting forth as to each such document (or portion thereof):

- (i) The name(s) of the author(s) of the document;
- (ii) The name(s) of the sender(s) of the document;
- (iii) The name(s) of the person(s) who received the document or to whom copies were sent or exhibited at any time;
- (iv) The name(s) of all persons presently having possession of the document or copy thereof;
- (v) A brief description of the nature and subject matter of the document; and
- (vi) The privilege asserted and the statute, rule, decision, or other basis that is claimed to give rise to the privilege.

## **INTERROGATORIES**

INTERROGATORY NO. 1: Identify the individuals who participated in responding to these interrogatories and requests for production and list the corresponding interrogatory or request for production for which they participated.

INTERROGATORY NO. 2: Identify each individual you will or may call to testify as a fact witness at the formal hearing of this proceeding before the Administrative Law Judge or who will or may provide written testimony and state the subject matter on which each such witness will or may testify.

INTERROGATORY NO. 3: Identify to the best of your ability at this time each individual you will actually call to testify as a witness at the formal hearing of this proceeding before the Administrative Law Judge or who will actually provide written testimony so that their depositions can be timely noticed and completed by EAI in compliance with the Administrative Law Judge's order issued April 20, 2006, FCC 06M-09.

INTERROGATORY NO. 4: Identify each individual you will or may call to testify as an expert witness at the formal hearing of this proceeding before the Administrative Law Judge or who will or may provide written testimony.

INTERROGATORY NO. 5: Identify all individuals who have knowledge, information or documents relating to the issues to be addressed at the formal hearing before the Administrative Law Judge which are contained in the Hearing Designation Order adopted on March 1, 2006, DA 06-494.

INTERROGATORY NO. 6: Identify all individuals who were not identified in response to Interrogatory No. 5 who have knowledge, information or documents relating to facts, allegations, contentions or subject matter described in the pleadings in FCC Docket Nos.: EB-05-MD-004, EB 06-53.

INTERROGATORY NO. 7: Identify and describe every communication between you and any of your agents, contractors, subcontractors, employees, Complainants, other cable operators, other telecommunications carriers, or any other entity relating to Utility Support Systems, Inc. ("USS"), safety inspections performed by USS, or safety violations reported by EAI or USS to you or your agents or contractors or subcontractors.

INTERROGATORY NO. 8: Identify and describe every communication between you and any of your agents, contractors, subcontractors, employees, Complainants, other cable

operators, other telecommunications carriers, or any other entity relating to actions taken by you or your agents or contractors or subcontractors to correct such safety violations, including details about pre-inspections and post-inspections performed by you or your agents or contractors or subcontractors relating to corrections of such safety violations.

INTERROGATORY NO. 9: Identify and describe every communication, not otherwise identified in response to Interrogatory Nos. 7 and 8, between you and any of your agents, contractors, subcontractors, employees, Complainants, other cable operators, other telecommunications carriers, or any other entity relating to any fact, allegation, contention, or subject matter described in the pleadings in FCC Docket Nos.: EB-05-MD-004, EB 06-53.

INTERROGATORY NO. 10: Identify the documents you would consult or rely on to determine the total number of poles, structures or property owned or controlled by EAI to which you currently have any Cable Plant attached and the specific location of each such pole, structure or property.

INTERROGATORY NO. 11: Identify the documents you would consult or rely on to determine the type, characteristics, size, dimensions, manufacturer and part number, weight, and sag characteristics using medium loading district under the NESC Figure 250-1 of the Cable Plant attached to each such pole or structure regardless of when the Cable Plant was attached..

INTERROGATORY NO. 12: State the total number of attachments of Cable Plant you currently have on poles, structures or property owned or controlled by EAI and had on such poles, structures or property for each of the years 2001, 2002, 2003, 2004, and 2005.

INTERROGATORY NO. 13: Identify the documents you would consult or rely on to determine the date each existing attachment of Cable Plant referenced in response to



Interrogatory No. 12 was originally installed on such poles, structures or property owned or controlled by EAI.

INTERROGATORY NO. 14: Identify the documents you would consult or rely on to identify the date and location of each upgrade, rebuild, overlash, modernization, modification, or replacement of any Cable Plant attached by you, a predecessor, or on your behalf at any time to poles, structures or property owned or controlled by EAI.

INTERROGATORY NO. 15: Identify the documents you would consult or rely on to determine the Cable Plant which was in place both immediately prior to and following completion of each such upgrade, rebuild, overlash, modernization, modification, or replacement.

INTERROGATORY NO. 16: Identify by date and describe every instance where you contend an employee, agent, or contractor acting on behalf of EAI granted permission, approval, or consent for you to deviate from erecting and maintaining your Cable Plant in accordance with the specifications or engineering standards set forth in the Pole Attachment Agreement.

INTERROGATORY NO. 17: For each instance identified in response to Interrogatory No. 16, identify the employee, agent or contractor who granted such permission, approval, or consent on behalf of EAI.

INTERROGATORY NO. 18: For each instance identified in response to Interrogatory No. 16, identify the employee, agent, contractor or subcontractor who requested, received or obtained the permission, approval, or consent on your behalf.

INTERROGATORY NO. 19: For each instance identified in response to Interrogatory No. 16, identify the location of any of your Cable Plant where you contend a deviation from the specifications or engineering standards was permitted, approved, or consented to.

INTERROGATORY NO. 20: Identify each specification or engineering standard relating to your Cable Plant set forth in the Pole Attachment Agreement which you contend is unjust or unreasonable.

INTERROGATORY NO. 21: Identify the specific location and description of each safety violation reported to you by EAI or USS which you contend is not a violation by virtue of grandfathering as defined under Section 1, Paragraph 013.B. of the NESC.

INTERROGATORY NO. 22: For each violation identified in responding to Interrogatory No. 21, state whether you contend that the Cable Plant cited for the safety violation:

(a) Is an existing installation which meets, or has been altered to meet, the 2002 Edition of the NESC and, if so, state the particular section(s) of the 2002 Edition of the NESC with which you maintain the installation complies, or

(b) Is an existing installation which complies with prior editions of the NESC and, if so, state the particular edition(s) and section(s) of the NESC with which you maintain the installation complies, or

(c) Is where Cable Plant has been added, altered, or replaced by you on an existing structure in compliance with either:

(i) The rules that were in effect at the time of the original installation and, if so, state the date the Cable Plant cited for the violation was originally installed by you and the particular edition(s) and section(s) of the NESC with which you maintain the installation complies, or

(ii) The rules in effect in a subsequent edition of the NESC with which you maintain the installation has been previously brought into compliance and, if so, state the

date the Cable Plant cited for the violation was previously brought into compliance and the particular edition(s) and section(s) of the NESC with which you maintain the installation has been brought into compliance, or

(iii) The rules of the 2002 Edition of the NESC and, if so, state the particular section(s) of the 2002 Edition of the NESC with which you maintain the installation complies.

INTERROGATORY NO. 23: Identify the specific location and description of each safety violation reported to you by EAI or USS which you contend you should not be responsible for correcting because there is no violation, or because the violation was created by the installation of electric facilities by EAI, or because the violation was created by the installation of cable, plant, or equipment by a third party attacher other than EAI.

INTERROGATORY NO. 24: For each violation identified in response to Interrogatory No. 23, state the factual basis for your contention that you should not be responsible for correcting such violation.

INTERROGATORY NO. 25: For each violation identified in response to Interrogatory No. 23, identify the documents you would consult or rely on to identify the date that the Cable Plant cited in the violation was installed, upgraded, rebuilt, overlashed, modernized, modified, or replaced by you, or to identify the date that the facilities of EAI or any third party were installed, upgraded, rebuilt, overlashed, modernized, modified or replaced.

INTERROGATORY NO. 26: Identify the specific location and description of each safety violation reported to you by EAI or USS other than those safety violations identified in response to Interrogatory Nos. 21 and 23 which you contend you should not be responsible for correcting.

INTERROGATORY NO. 27: For each violation identified in response to Interrogatory No. 26, state the factual basis for your contention that you should not be responsible for correcting such violation.

INTERROGATORY NO. 28: Identify the specific location and description of each safety violation reported to you by EAI or USS which you contend you cannot correct until EAI or other attachers to the pole or structure adjust their facilities.

INTERROGATORY NO. 29: Identify the specific location and description of each safety violation reported to you by EAI or USS which you contend you have corrected.

INTERROGATORY NO. 30: Identify the documents you would consult or rely on to identify the date(s) when each safety violation was corrected by you and the steps taken by you to correct the violation.

INTERROGATORY NO. 31: Identify every employee, agent, contractor, subcontractor or consultant who has performed any work, labor, or services for you relating to the safety violations reported to you by EAI or USS.

INTERROGATORY NO. 32: Identify every agent, contractor, subcontractor or consultant who has performed or provided any work, labor, services or equipment for you relating to any attachment, installation, overlash, upgrade, rebuild, modernization, modification, replacement or other maintenance of your Cable Plant.

INTERROGATORY NO. 33: Describe in detail the training and qualifications required of your employees, agents, contractors, subcontractors or consultants who have performed or provided any type of work, labor or service relating to your Cable Plant.

INTERROGATORY NO. 34: Identify all documents relating to every inspection, survey, audit, count, or inventory ever conducted by you or on your behalf relating to your Cable Plant.

INTERROGATORY NO. 35: Identify and describe all instances where you contend EAI denied you access to any pole or structure owned or controlled by EAI, whether you contend any such denials were unjust or unreasonable, and the basis for your contentions.

### **REQUESTS FOR PRODUCTION**

REQUEST FOR PRODUCTION NO. 1: Produce all documents and tangible objects of every kind that you intend to introduce in evidence or otherwise rely on at the formal hearing of this proceeding before the Administrative Law Judge.

REQUEST FOR PRODUCTION NO. 2: Produce all documents and tangible objects of every kind in your possession or under your control relating to the issues to be addressed at the formal hearing before the Administrative Law Judge which are contained in the Hearing Designation Order adopted in this docket on March 1, 2006, DA 06-494.

REQUEST FOR PRODUCTION NO. 3: Produce all documents relating to every communication identified in your responses to Interrogatory Nos. 7, 8, and 9.

REQUEST FOR PRODUCTION NO. 4: Produce all documents identified in your response to Interrogatory No. 10.

REQUEST FOR PRODUCTION NO. 5: Produce all documents identified in your responses to Interrogatory Nos. 11 and 13.

REQUEST FOR PRODUCTION NO. 6: Produce all documents identified in your responses to Interrogatory Nos. 14 and 15.

REQUEST FOR PRODUCTION NO. 7: Produce all documents relating to your responses to Interrogatory Nos. 16 and 19.

REQUEST FOR PRODUCTION NO. 8: Produce all documents relating to your response to Interrogatory No. 21.

REQUEST FOR PRODUCTION NO. 9: Produce all documents relating to your response to Interrogatory No. 23.

REQUEST FOR PRODUCTION NO. 10: Produce all documents identified in your response to Interrogatory No. 25.

REQUEST FOR PRODUCTION NO. 11: Produce all documents relating to your response to Interrogatory No. 26.

REQUEST FOR PRODUCTION NO. 12: Produce all documents relating to your response to Interrogatory No. 28.

REQUEST FOR PRODUCTION NO. 13: Produce all documents relating to or identified in your responses to Interrogatory Nos. 29 and 30.

REQUEST FOR PRODUCTION NO. 14: Produce all documents relating to or identified in your response to Interrogatory No. 34.

REQUEST FOR PRODUCTION NO. 15: Produce all documents relating to your response to Interrogatory No. 35.

REQUEST FOR PRODUCTION NO. 16: Produce all documents which you maintain or contend evidence permission, approval or consent for you to attach guy wires to anchors owned or controlled by EAI.

REQUEST FOR PRODUCTION NO. 17: Produce all documents which constitute or relate to your construction manuals or books, procedures, policies, standards, specifications, or field practices followed by you to make any attachment of coax or fiber cable, messenger, guy wire, anchor, bracket, bolt, apparatus, power supply, electronic device, or any other equipment or wire associated with attachment of the foregoing to poles, structures or property owned or controlled by EAI in areas served by you, including without limitation all drafts, revisions, or amendments of these documents.

REQUEST FOR PRODUCTION NO. 18: Produce all documents which constitute or relate to training materials or manuals, safety regulations or codes, internal training or safety manuals, training or safety policies or procedures utilized or implemented by you in making any attachment of coax or fiber cable, messenger, guy wire, anchor, bracket, bolt, apparatus, power supply, electronic device, or any other equipment or wire associated with attachment of the foregoing to poles, structures, or property owned or controlled by EAI in areas served by you, including without limitation all drafts, revisions and amendments of these documents.

REQUEST FOR PRODUCTION NO. 19: Produce all documents which constitute or relate to applications for permits, notifications of any upgrade, rebuild, overlash, modernization, modification, replacement, or removal submitted by you to EAI for any attachment of your Cable Plant, including without limitation all construction detail drawings, maps, studies, diagrams, schematics or depictions.

REQUEST FOR PRODUCTION NO. 20: Produce all permits for every attachment of your Cable Plant approved or issued by EAI.

REQUEST FOR PRODUCTION NO. 21: Produce all documents which constitute or relate to applications for permits submitted by you or on your behalf to EAI which you contend were unreasonably denied or refused by EAI.

REQUEST FOR PRODUCTION NO. 22: Produce all documents in your possession or under your control as of December 31, 2001, that relate to or identify attachment of Cable Plant to poles, structures or property owned or controlled by EAI, including without limitation all construction strand maps, facilities maps, diagrams, schematics, drawings, or other materials.

REQUEST FOR PRODUCTION NO. 23: Other than documents furnished to you by EAI or USS, and documents produced in response to Request No. 22, produce all documents in your possession or under your control as of this date that relate to or identify attachment of Cable Plant to poles, structures or property owned or controlled by EAI including without limitation construction strand maps, facilities maps, diagrams, schematics, drawings, or other materials.

REQUEST FOR PRODUCTION NO. 24: Produce all documents furnished to you by EAI or USS relating to attachment of Cable Plant to poles, structures or property owned or controlled by EAI, including without limitation facilities maps, diagrams, schematics, drawings, depictions, surveys, audits, or reports.

REQUEST FOR PRODUCTION NO. 25: Produce all documents relating to any studies, reports, tests, or analyses performed by you or on your behalf relating to every attachment of Cable Plant to poles, structures or property owned or controlled by EAI, including without limitation engineering studies or documentation to evaluate wind and weight pole loading.

REQUEST FOR PRODUCTION NO. 26: Produce all documents relating to agreements between you and every entity other than EAI allowing you to attach coax or fiber cable, messenger, guy wire, anchor, bracket, bolt, apparatus, power supply, electronic device, or any



other equipment or wire associated with attachment of the foregoing to any pole or structure belonging to that entity including without limitation all drafts, revisions, or amendments of such agreements.

REQUEST FOR PRODUCTION NO. 27: Produce all documents relating to agreements or contracts between you and every agent, contractor, subcontractor, consultant, or other person or entity who has ever performed or provided any work, labor, or service relating to attachments of Cable Plant, installation, upgrades, rebuilds, overlashings, modernizations, modifications, replacement of Cable Plant, or safety violations reported to you by EAI or USS.

REQUEST FOR PRODUCTION NO. 28: Produce all documents relating to every agreement, contract, instrument, or other documentation for the purchase or sale of any Cable Plant involved in this proceeding or the rights to provide cable services within any geographic area with attachment of Cable Plant involved in this proceeding.

REQUEST FOR PRODUCTION NO. 29: Produce all documents relating to agreements between you and Utility Consultants, Inc. (“UCI”) or any other agent, contractor, subcontractor or consultant utilized for work on poles, structures, or property owned or controlled by EAI, including, but not limited to, contracts, exhibits, schedules, attachments, diagrams, addendums, and modifications.

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Respectfully submitted,

  
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Dated: June 20, 2006

*Attorneys for Entergy Arkansas, Inc.*

## CERTIFICATE OF SERVICE

I, Erika E. Olsen, do hereby certify that on this 20th day of June, 2006, a single copy (unless otherwise noted) of the foregoing "Entergy Arkansas, Inc.'s First Interrogatories and Requests for Production to Certain Complainants" was delivered to the following by the method indicated:

Marlene H. Dortch (hand delivery) **(ORIGINAL PLUS 3 COPIES)**

Secretary

Federal Communications Commission

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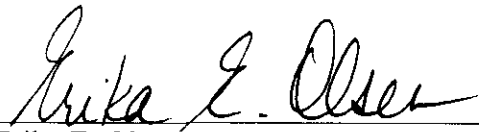
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Erika E. Olsen